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OFFICE OF PETITIONS

In re Application of
Yu, et al.
Application No. 09/542,718
Filed: April 4, 2000
Attorney Docket No. 6687.US.01

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: DECISION ON PETITION
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This is a decision on the petition filed on March 22, 2002
(Certificate of Mailing dated March 13, 2002), pursuant to 37 CFR
1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to
timely file a proper response to the non-final Office action mailed
October 11, 2000. This Office action set a shortened statutory period
for reply of three (3) months from the mailing date of the action. No
extensions of time under 37 CFR 1.136(a) were obtained. Accordingly,
the above-identified application became abandoned on January 12, 2001.
A Notice of Abandonment was mailed on May 18, 2001.

Petitioner has paid the petition fee and met the requirements for a
grantable petition under 37 CFR 1.137(b). A response to the Office
action in the form of an amendment has been submitted, satisfying the
requirement under 37 CFR 1.137(b)(1).

The Request for Continued Examination (RCE) filed with the instant
petition is not a proper response to the non-final Office action. An
RCE under 37 CFR 1.114 is not permitted unless prosecution in the
application is closed.¹ The RCE fee (\$740.00) has been refunded to
Deposit Account 01-0025.

The application file is being forwarded to Technology Center 1600 for
consideration of the amendment, filed March 22, 2002.

Telephone inquiries concerning this decision should be directed to the
undersigned at (703)305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ See 37 C.F.R. §1.114 (2001).